

Remarks

Claim 14 has been amended and withdrawn claims 22-27, 30-41 and 45-53 have been cancelled without prejudice or disclaimer of the encompassed subject matter. The amendment to claim 14 deletes recitation of the phrase “solvate or prodrug”. Applicant submits that no prohibited new matter has been introduced by the amendment.

1. Rejection under 35 U.S.C. 112, first paragraph

Claims 14, 16 and 19-21 are rejected for allegedly failing to comply with the written description requirement due to the recitation of the phrase “solvate or prodrug”.

Without acquiescing to the merits of the Examiner’s rejection, and in an effort to expedite prosecution of the subject application, Applicant has amended claim 14 to delete the contested phrase. In view of the removal of the contested term, Applicant submits that the rejection has been effectively mooted.

2. Conclusion

The foregoing amendments and remarks are made to place the application in a condition for allowance. Applicant respectfully requests reconsideration and the timely allowance of the pending claims. The Examiner is invited to telephone the undersigned to advance prosecution of the application.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 10, 2009**
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Respectfully submitted,
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